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Ashley Smith

Name (Print)

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Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Lotfi HEDHLI et al.)
)
Application Number: 09/774,266)
)
Filed: January 30, 2001)
)

Group Art Unit: 1745
Examiner: Angela J. Martin

For: FLUOROPOLYMER RESINS CONTAINING IONIC OR IONIZABLE GROUPS AND PRODUCTS
CONTAINING THE SAME

**RESPONSE TO RESTRICTION REQUIREMENT/
ELECTION OF SPECIES REQUIREMENT**

Assistant Commissioner for Patents
Washington, D.C. 20231

April 4, 2003

Sir:

This Response to Restriction Requirement/Election of Species Requirement is in response to the Office Action dated March 20, 2003, for which the Examiner has set a one-month period for response, thus making the response due on or before April 20, 2003.

In the Office Action, the Examiner has set forth a six way Restriction Requirement, and has requested that applicants elect one group for examination purposes.

In response, the applicants respectfully traverse the Restriction Requirement. According to M.P.E.P. §803, if there is no serious burden on the part of the Examiner to examine the entire subject matter set forth in a patent application, then the Examiner must proceed with doing so even if the application is drawn to multiple inventions. In the present application, each of the claims

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essentially include the same polymer product or polymer blend and thus the claims are very much related to each other. Accordingly, a search, for instance, of the polymer blend of claim 1 would clearly involve a search of a composition comprising a polymer product of blending as well as any fuel cells or batteries containing this polymer blend. Thus, by examining the subject matter, for instance, of claim 1, clearly the Examiner will be examining the other subject matter of the present application. To avoid repeating the same search multiple times, it would not be a serious burden on the part of Examiner to search all of the subject matter of the present application at the same time.

At a minimum, Group II and Group VI clearly should be combined with Group I as these Groups are defined at page 2 of the Office Action. The undersigned and the applicants are having great difficulty understanding how an examination of claim 1 would not encompass an examination of claims 12-14. Essentially, claim 12 is a type of product by process claim which recites the same components as claim 1. Thus, it is not understood how Group II would not be combined with Group I for examination purposes. Similarly, Group VI in the like manner recites essentially the same type of subject matter as claim 1. Again, it is not clear how an examination of Group I would not encompass an examination of Group VI.

In addition, Group III and Group IV should be combined for examination purposes since the subject matter is very much related as recognized by the classifications presented by the Examiner. Furthermore, Group V should be combined with Group I, especially if the patentability of the subject matter of Group I is established since claim 24, for instance, recites a method of making the composition of claim 1. For all of these reasons, the Restriction Requirement should be removed, and at a minimum should be amended based on the above comments.

To be responsive to this Restriction Requirement, the applicants elect with traverse Group I

which encompasses claims 1-11, 15, 16, and 33. As indicated, the Examiner should include claims 12-14 and claim 34 based on the clearly related subject matter as explained above.

At page 3 of the Office Action, the Examiner sets forth an election of species requirement. In particular, the Examiner has requested that with respect to claim 1, section a of this claim has a listing of distinct species. Furthermore, the Examiner indicates that claim 4, section b, has a listing of distinct species. Finally, the Examiner states that claim 8 has a listing of distinct species. For the following reasons, this election of species requirement is respectfully traversed.

Again, as set forth above, there is no need for an election of species requirement since the number of species are quite minimal and the species are quite interrelated from the standpoint of searching.

To be responsive to this Election of Species Requirement, the applicants elect with traverse the following species.

With respect to claim 1, section a, the applicants elect with traverse the combination of an acrylic resin and vinyl resin having at least one ionic or ionizable group. As stated in claim 1, both the acrylic resin and vinyl resin can be present.

With respect to claim 4, section b, the applicants elect with traverse the species hexafluoropropylene.

With respect to claim 8, the applicants believe that the Examiner has misunderstood claim 8. Claim 8 is dependent on claim 1 and recites that the polymer blend contains each of the components recited in claim 8. Claim 8 is not written to provide an option of one of the recited components. Claim 8 clearly recites the presence of all of these components. Thus, there can be no election of species requirement with respect to claim 8 since each of these components are present

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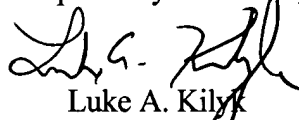
in the polymer blend. As stated in claim 8, the acrylic or vinyl resin or both having the ionic or ionizable group is formed by polymerizing each of the recited components together. As stated above, with respect to the acrylic resin or vinyl resin, the applicants have elected the species of both the acrylic resin and vinyl resin together. All of the elected claims read on these elected species.

As with any election of species requirement, should the Examiner find the species patentable, the Examiner will continue searching the remaining species and the generic claims.

The Examiner is encouraged to contact the undersigned should there be any remaining questions with respect to this Office Action at the telephone number below.

If there are any other fees due in connection with the filing of this response, please charge the fees to deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,


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